

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Appln. No. 09/487,239

REMARKS

This Amendment is being filed in response to the Advisory Action mailed April 28, 2003, which indicated that the Amendment filed on April 15, 2003 would be entered upon the filing of an Appeal.

Claims 2, 3 and 5-11 are all the claims pending in the application. Applicants thank the Examiner for allowing claims 6 and 8-11. Claims 2, 3, 5 and 7 presently stand rejected.

Claims 2, 3, 5 and 7 were objected to because of informalities in the Final Office Action. The previously filed Amendments (of April 15) are believed to overcome these informalities.

Claims 2 and 3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka et al. (5,772,884) in view of Herding et al. (5,547,481).

Claims 5 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka et al. (5,772,884) in view of Herding et al. (5,547,481) as applied to claim 3, and further in view of Dauber et al. (5,916,671).

Analysis

Of the rejected claims, only claim 3 is in independent form; therefore, the following discussion is initially directed to this independent claim.

Claim 3 is directed to a laminate forming an enclosed space to hold an adsorbent.

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Appln. No. 09/487,239

The enclosed space is clearly a part of the laminate structure. Initially recited at the beginning of the claim, the enclosed space is referred back to in the body of the claim, in context with the position of the film within the laminate. Thus, the enclosed space limits the structure of the claimed invention and thus, should be treated as a positively recited claim limitation.

In view of the foregoing, the features directed to the enclosed space and the position of the film within the enclosed space, as set forth in claim 3, should be considered when evaluating the patentability of the claims. In particular, the UHPE film is adhered to the side of the PTFE film facing the interior of the enclosed space formed by the laminate. Since none of the cited prior art is directed to this structure, the combination of the cited references fails to render claim 3 obvious, as discussed in the Response filed by Applicants on October 7, 2002.

The remaining rejections are directed to the dependent claims. These claims are patentable for at least the same reasons as claim 3, by virtue of their dependency therefrom.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Appln. No. 09/487,239

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Ellen R. Smith
Registration No. 43,042

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE



23373

PATENT TRADEMARK OFFICE

Date: May 14, 2003

Attorney Docket No.: Q57646